

REMARKS

This responds to the Office Action mailed on June 29, 2007.

Claims 1, 8, and 15-18 are amended, and no claims are cancelled or added; as a result, claims 1-18 remain pending in this application.

Interview Summary

Applicant thanks the Examiner for an interview conducted on October 3, 2007. At the interview, it was concluded that characterizing the audio presented as a directional, moveable audio representation of the physical location of a game element would likely distinguish the pending claims from the cited reference, but that further search and consideration may be required.

§102 Rejection of the Claims

Claims 1-2, 4-9 and 11-18 were rejected under 35 U.S.C. § 102(b) for anticipation by Ishibashi (U.S. 5,695,188).

Ishibashi describes a wagering game machine that is operable to present audio sound when symbol columns in a wagering game machine are moved and stopped. In one embodiment, different sounds are generated for each of the symbols passing on the winning line while each of the columns is moved. In an alternate embodiment, different sounds for each reel symbol are presented when the reel symbols are stopped on the winning line when each of the plurality of reel columns are stopped.

The Office Action argues that Ishibashi teaches (such as in the Abstract) that different sounds are presented when the reel symbols are moved or stopped, thereby presenting location-specific sounds.

Applicant does not admit this is the case, but has amended the claims to remove the limitation of presenting location-specific sounds, and has instead clarified that location effects such as panning can be used to change the apparent location of an audio sound in conjunction with the physical location of a game element, consistent with what was discussed in the Interview of October 3, 2007.

More specifically, each of the pending claims now recites that the audio cues comprise a directional, moveable audio representation of the physical location of a game element, such as by presenting directional audio that tracks the physical position of a game element moving across the video screen.

Because Ishibashi does not discuss a directional, moveable audio representation of the physical location of a game element, the pending claims are believed to be allowable over the cited art. Reexamination and allowance of the pending claims 1-2, 4-9 and 11-18 is therefore respectfully requested.

§103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishibashi.

These claims depend from claims shown to be allowable as amended over the cited art, and so are believed to be allowable as dependent on allowable base claims. Reexamination and allowance of claims 3 and 10 is therefore respectfully requested.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date Oct. 15 07

By 
John M. Dahl
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15 day of October 2007.

Name Peter Pebuffoni

Signature 